



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, मँगलवार, ३ अप्रैल, १९७९/१३ चंत्र, १९०१

हिमाचल प्रदेश सरकार

हिमाचल प्रदेश विधान सभा सचिवालय

अधिसूचना

शिमला-१७१००४, २६ मार्च, १९७९

संख्या १-३८/७९-वि०स०.—हिमाचल प्रदेश विधान सभा प्रक्रिया एवं कार्य संचालन नियमावली, १९७३, के नियम १३५ के अन्तर्गत 'दी हिमाचल प्रदेश असैन्सियल सर्विसिज (मेन्टेनेंस) (अमैण्डमैण्ट) बिल, १९७९ (बिल नं ० १४ आफ १९७९) जो हिमाचल

प्रदेश विधान सभा में 26 मार्च, 1979 को पुरःस्थापित किया गया है, सर्वसाधारण की सूचनार्थ राजपत्र में मुद्रित करने के लिए प्रेषित किया जाता है।

वेद प्रकाश भटनागर,
सचिव ।

Bill No. 14 of 1979.

**THE HIMACHAL PRADESH ESSENTIAL SERVICES
(MAINTENANCE) (AMENDMENT) BILL, 1979**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

to amend the Himachal Pradesh Essential Services (Maintenance) Act, 1972 (Act No. 5 of 1973).

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Thirtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Essential Services (Maintenance) (Amendment) Act, 1979.

Short title
and commencement.

(2) It shall be deemed to have come into force on the 3rd day of March, 1979.

2. For the existing section 3, of the Himachal Pradesh Essential Services (Maintenance) Act, 1972, the following section 3 shall be substituted, namely:—

Substitution
of section 3

“3. This Act shall apply to,—

(i) any employment or class of employment under the State Government which the State Government may, by notification in the Official Gazette, specify; and

(ii) any other employment or class of employment which the State Government, being of opinion that such employment or class of employment is essential for securing the public safety, the maintenance of public order, health or sanitation, or for maintaining supplies or services necessary for the life of the community, may, by notification in the Official Gazette, declare to be an employment or class of employment to which this Act applies.”

3. (1) The Himachal Pradesh Essential Services (Maintenance) (Amendment) Ordinance, 1979 is hereby repealed.

Repeal and
savings.

(2) Notwithstanding such repeal, anything done or any action taken under the Himachal Pradesh Essential Services (Maintenance) Act, 1972, as amended by the said Ordinance, shall be deemed to have been done or taken under that Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

By virtue of the existing provisions contained in section 3 of the Himachal Pradesh Essential Services (Maintenance) Act, 1972 (Act No. 5 of 1973), whereas the said Act applies to all employment under the State Government, the said Act applies to the persons in the employment not under the State Government, only when the State Government makes a declaration, by notification in the Official Gazette, that the said Act shall be applicable to such employment and class of employment. It has now been decided that in the case of employment under the State Government, too, the said Act should apply only to such employment or class of employment as the State Government may, by notification in the Official Gazette, specify. This has necessitated the amendments in the said Act.

In view of the impending threat of strike by the employees of the State Government, it had become necessary to take immediate action, to make the said amendments. Since the matter was of urgent public importance and the Legislative Assembly was not in session and the circumstances existed which rendered it necessary for the Governor of Himachal Pradesh to take immediate action under clause (1) of Article 213 of the Constitution of India. To meet this emergent situation, the Himachal Pradesh Essential Services (Maintenance) (Amendment) Ordinance, 1979 (Himachal Pradesh Ordinance No. 1 of 1979) published in the Rajpatra, Himachal Pradesh (Extra-ordinary) dated the 3rd day of March, 1979 was promulgated on the 23rd February, 1979. Now this Ordinance is required to be replaced by a regular enactment.

The Bill seeks to replace the aforesaid Ordinance without any modification.

SIMLA:
The 26th March, 1979.

SHANTA KUMAR,
Chief Minister.

FINANCIAL MEMORANDUM

Nil

MEMORANDUM REGARDING DELEGATED LEGISLATION

Nil

STATEMENT OF PROVISIONS OF THE PRINCIPAL ACT LIKELY TO BE AFFECTED
BY THIS AMENDING BILL

Section	Existing provision	Provision as it will stand after the enactment of the Bill
3	This Act shall apply to all employment under the State Government and to any employment or class of employment which the State Government, being of opinion that such employment or class of employment is essential for securing the public safety, the maintenance of public order, health or sanitation, or for maintaining supplies or services necessary for the life of the community, may, by notification in the Official Gazette, declare to be an employment or class of employment to which this Act applies.	<p>This Act shall apply to,—</p> <p>(i) any employment or class of employment under the State Government which the State Government may, by notification in the Official Gazette, specify; and</p> <p>(ii) any other employment or class of employment which the State Government, being of opinion that such employment or class of employment is essential for securing the public safety, the maintenance of public order, health or sanitation, or for maintaining supplies or services necessary for the life of the community, may, by notification in the Official Gazette, declare to be an employment or class of employment to which this Act applies.</p>

नियन्त्रक, मुद्रण तथा लेखन सामग्री, हिमाचल प्रदेश, शिमला-3 द्वारा मुद्रित तथा प्रकाशित।